

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Tung M. Fong et al.

Serial No. To Be Assigned

Art Unit: To Be Assigned

Filed: September 2, 2004

Examiner: To Be Assigned

For: BIOMARKER FOR EFFICACY OF APPETITE
SUPPRESSANT DRUGSCommissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR 1.97

Sir:

1. In compliance with 37 C.F.R. 1.97, submitted on the attached form herewith is a list of patents, publications or other information which are requested to be made of record in this application. This Information Disclosure Statement is not an admission that any patent, publication or other information referred to herein is "prior art" for this invention. In accordance with 37 C.F.R. 1.97(h), the filing of this Information Disclosure Statement shall not be construed to be an admission that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. 1.56(b).

2. In accordance with 37 C.F.R. 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made.

3. Applicants respectfully request that the Examiner initial the attached form after reviewing the pertinence of each reference.

4. Pursuant to the waiver by the Office of the requirement under 37 CFR 1.98 (a)(2)(i) dated July 11, 2003, if the filing date of this application is after June 30, 2003, copies of each cited U.S. patent and each U.S. patent application publication are not enclosed herewith.

EXPRESS MAIL CERTIFICATE
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DATE Sept 2, 2004

INFORMATION DISCLOSURE STATEMENT

5. Pursuant to 37 C.F.R. 1.98(d), copies of references listed on the attached form that were submitted to or cited by the Office in a related application upon which the instant application relies for an earlier filing date under 35 U.S.C. 120 are not enclosed. Related application(s) in which references were submitted to or cited by the Office are as follows:

RELATED APPLICATION		
U. S. SERIAL NUMBER	FILING DATE	MERCK CASE

If this is inconvenient, additional copies will be submitted upon request.

6. In accordance with 37 C.F.R. 1.97, (check one)

- ☒ the attached information is filed within three months of the filing date of the captioned case.
- ☐ the attached information is filed more than three months after the filing date but prior to the mailing of a first Office Action on the merits.
- ☐ the attached information is being filed more than three months after the filing date and after the mailing of a first Office Action on the merits, but before the mailing date of a Final Action or Notice of Allowance. The enclosed authorization is therefore given to charge Deposit Account No. 13-2755 for the fee required under 37 C.F.R. 1.17(p).
- ☐ the undersigned certifies that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Statement.
- ☐ the undersigned certifies that no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, was known to any individual designated under 37 C.F.R. 1.56(c) more than three months prior to the filing of this Statement.

Respectfully submitted,


By: Alysia A. Finnegan

Attorney _____ For Applicant(s)

Reg. No. 48,878

MERCK & CO., INC.

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Date: September 2, 2004

Substitute for form 1449B/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT***(use as many sheets as necessary)***COMPLETELY KNOWN**

Application Number	To Be Assigned	10/506577
Filing Date	September 2, 2004	
First Named Inventor	Tung M. Fong et al.	
Group Art Unit	To Be Assigned	
Examiner Name	To Be Assigned	
Attorney Docket Number	20944YP	

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of

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NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No.	Include name of the author, title, date, page(s), volume-issue number(s) and place of publication.
		Shimokawa et al., Proc. Natl. Acad. Sci. USA, 99(1): 66-71 (2002)
		Katsuki et al., J. Clin. Endocrinology & Metabolism, 86(5): 1921-24 (2001)
		Mizuno et al., Endocrinology, 140(2): 814-17 (1999)
		Bray et al., Nature, 404: 672-77 (2000)
		Shutter et al., Genes & Development, 11: 593-602 (1997)
		Hagan et al., Am. J. Physiol. Regul. Integr. Comp. Physiol., 279: R47-R52 (2000)
		Rossi et al., Endocrinology, 139: 4428-31 (1998)
		Tota et al., Biochemistry, 38: 897-904 (1999)
		Yang et al., Mol. Endocrinology, 13: 148-55 (1999)
		Ollman et al., Science, 278: 135-38 (1997)
		Bicknell et al., J. Neuroendocrinology, 12: 977-82 (2000)
		Li et al., Endocrinology, 141(6): 1942-50 (2000)
		Ebihara et al., Diabetes, 48: 2028-33 (1999)
		Considine et al., New England J. of Med., 334: 292-95 (1996)
		Wirth et al., Brain Research, 897: 169-74 (2001)

Examiner
SignatureDate
Considered

*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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		Lu et al., NeuroReport, 12(68): 1281-84 (2001)
		Haskell-Leuvano et al., Regulatory Peptides, 99: 1-7 (2001)
		Wirth et al., Peptides, 21: 1369-75 (2000)
		Tachibana et al., Neuroscience Letters, 305: 131-34 (2001)
		Hanada et al., Biochemical & Biophysical Res. Comm., 268: 88-91 (2000)
		Kim et al., J. Clin. Invest., 105(7): 1005-11 (2000)
		Korner et al., Endocrinology, 141(7): 2465-71 (2000)
		Wilson et al., Endocrinology, 140(5): 2387-97 (1999)
		Barsh et al., Annals New York Academy of Sciences, 885: 143-52 (1999)
		Fong et al., Biochemical & Biophysical Res. Comm., 237: 629-31 (1997)

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